

Message Text

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TO SECSTATE WASHDC IMMEDIATE 0176

AMEMBASSY BONN IMMEDIATE

INFO AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

CINCEUR

CINCUSAREUR

CINCUSAFE

USELMLO SHAPE

C O N F I D E N T I A L SECTION 1 OF 3 USBERLIN 2170

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CINCUSAREUR FOR POLAD, OPS & AEAGC-COC

CINCUSAFE FOR POLAD & OPS

E.O. 11652: GDS

TAGS: PGOV, MOSP, WE, GE, WB

SUBJECT: SOVIET APPROACH ON EXFILTRATION

REFS: A) STATE 256998 (NOTAL)

B) BERLIN 701, FEB., 5 1966(NOTAL)

C) USBERLIN 2002

D) BERLIN 1687

E) BERLIN 1075, JUNE 19, 1972 (NOTAL)

F) USBERLIN 2129 (NOTAL)

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1. SUMMARY: WHILE US INVOLVEMENT IN EXFILTRATION IS ONLY A SMALL FRACTION OF GERMAN INVOLVEMENT, WE AGREE WITH DEPARTMENT THAT EXFILTRATION OPERATIONS USING US FORCES PERSONNEL COULD CREATE SERIOUS PROBLEMS WITH REGARD TO FREE CIRCULATION THROUGHOUT BERLIN AND OUR ACCESS RIGHTS. WE ARE URGENTLY CONSIDERING SUPPLEMENTARY MEASURES, DISCUSSED BELOW, TO REINFORCE PRECAUTIONS ALREADY INSTITUTED TO CURTIONS ALREADY INSTITUED TO CURTAIL PRACTICE.
END SUMMARY.

2. IT IS DIFFICULT TO COME BY ANY ACCURATE DATA IN REGARD TO SUCCESSFUL EXFILTRATIONS, INASMUCH AS EXFILTREES GENERALLY WISH TO PROTECT SELVES AND FAMILY (SOME OF WHOM REMAIN IN EAST) AND EXFILTRATION GANGS WANT TO PROTECT THEIR METHODS OF OPERATIONS. FIVE TO FIFTEEN REFUGEES APPEARING AT MARIENFELDE REFUGEE CENTER EACH MONTH CLAIM TO HAVE ESCAPED OR TO HAVE BE EXFILTRATED. TO WHAT EXTENT THEY REPRESENT TIP OF THE ICEBERG CANNOT BE DETERMINED SINCE MAY ESCAPEES CHOOSE TO AVOID REFUGEE PROCESSING ENTIRELY OR SURFACE FOR FIRST TIME IN WEST GERMANY. OUR JUDGEMENT IS THAT MARIENFELDE GROUP REPRESENTS
A SMALL PORTION OF THE TOTAL EXFILTREES.

3. PRIOR TO QA, THERE WAS OBVIOUS MOTIVATION TO CONCENTRATION ON ALLIED PERSONNEL BY EXFILTRATION ORGANIZERS TO TAKE ADVANTAGE OF THEIR IMMUNITY FROM SEARCH BY EAST GERMANS OR SOVIETS(E.G., KAPPEL CASE, REF E). BUT GREATER OPPORTUNITY FOR OPERATIONS INVOLVING GERMANS (OR THIRD-NATION) VEHICLES ON TRANSIT ROUTES, COUPLED WITH OUR OWN PREVENTIVE MEASURES, HAVE UNDOUBTEDLY REDUCED PROPORTION OF ALLIED INVOLVEMENT. WE ARE AWARE OF SEVEN EXFILTRATION ATTEMPTS BY US MILITARY OR CIVILIAN EMPLOYEE PERSONNEL, INCLUDING MOST RECENT THREE, OVER PAST YEAR. DURING SAME PERIOD, US MILITARY PERSONNEL MADE 11,000 AUTOBAHN TRIPS AND 2,000 EAST BERLIN TRIPS BY PRIVATELY OWNED VEHICLES (POV). IN ADDITION, 3,000 AUTOBAHN TRIPS AND 1,800 EAST BERLIN TRIPS WERE MADE BY OFFICIAL VEHICLE, FORMER REPRESENTING CONVOYS,
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AND LATER BEING ROUTINE PATROLS IN ARMY SEDANS.

4. MILITARY REGULATIONS REGARDING TRAVEL BY MEMBERS OF FORCES TO EAST BERLIN AND ON AUTOBAHN ARE USCOB REG 550-180, 1 FEB 1973; AND USAREUR REGULATION 550-180 (ALSO KNOWN AS USAFE REGULATION 30-28), 1 AUGUST 1969. THESE REGULATIONS APPLY INTER ALIA TO ALL MEMBERS OF THE US FORCES ASSIGNED TO OR PRESENT IN EUROPE,

INCLUDING A MILITARY PERSONNEL, US CIVILIAN EMPLOYEES,
AND ALL DEPENDENTS. ALL MEMBERS OF BERLIN COMMAND ARE
BRIEFED ON THESE REGULATIONS WITHIN 30 DAYS OF ARRIVAL.

5. CRITERIA FOR TRIPS INTO EAST BERLIN: REGULATIONS
AUTHORIZE AND ENCOURAGE "PERIODIC TRAVEL TO EAST BERLIN
SO AS TO CONTINUE A US PRESENCE THERE AND PROVIDE
OPPORTUNITIES ... FOR ENTERTAINMENT." REGULATIONS
STATE THAT TRIPS TO EAST BERLIN IN A NON-DUTY STATUS
ARE PERMITTED TO INDIVIDUALS "AS A PRIVILEGE. ONLY
PERSONS WHO CAN BE RELIED UPON TO REFRAIN FROM COMMITTING
ACTS WHICH WOULD BRING DISCREDIT UPON THE USG AND ITS
POSITION IN BERLIN" ARE PERMITTED TO VISIT EAST BERLIN.
IN BERLIN APPLICATION OF ABOVE CRITERIA IS MADE BY
MAJOR UNIT COMMANDERS OR DIVISION CHIEFS, WHO APPROVE
WRITTEN APPLICATIONS, IN WHICH APPLICANT CERTIFIES HE
HAS READ AND UNDERSTOOD RULES FOR TRAVEL AND CONDUCT
IN EAST BERLIN (USAREUR REG 550-180, ANNEX A). APPROVING
AUTHORITY IS IN MOST CASES A FIELD GRADE OFFICER.

6. POV TRAVEL ON AUTOBAHN IS AUTHORIZED FOR MEMBERS
OF US FORCES (MILITARY PERSONNEL, CIVILIAN EMPLOYEES,
AND DEPENDENTS) WHO HAVE VALID REASON FOR TRAVEL.
TRAVELLERS MUST APPLY IN WRITING AND CERTIFY THEY HAVE
READ AND UNDERSTOOD RULES FOR TRAVEL AND CONDUCT ON
AUTOBAHN, WHICH INCLUDE PROHIBITION AGAINST UNAUTHORIZED
PASSENGERS. (USAREUR REG 550-180, ANNEX D).

7. PUNISHMENT FOR ASSISTING EXFILTRATION: USAREUR
REGULATION FORBIDS ASSISTING, "IN ANY MANNER, THE
UNAUTHORIZED DEPARTURE FROM EAST BERLIN OR EAST
GERMANY OF ANY PERSON OR PERSONS. VIOLATION OF THESE
INSTRUCTIONS BY ASSISTING OR ATTEMPTING TO ASSIST
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ANOTHER PERSON TO CARRY OUT AN UNAUTHORIZED
DEPARTURE WILL RESULT IN DISCIPLINARY ACTION BY US
AUTHORITIES, EVEN IF SUCH ATTEMPTS SHOULD BE SUCCESS-
FUL." PUNISHMENT APPLIED IN THREE RECENT CASES (REFS
C AND D) UNDER UNIFORM CODE OF MILITARY JUSTICE (UCMJ),
WHICH INCLUDED REDUCTION IN RANK, FORFEITURE OF ONE
MONTH'S PAY, RESTRICTION TO SPECIFIED LOCATIONS AND
EXTRA DUTY, IS MAXIMUM MILITARY COMMANDERS CAN PROMPTLY
CARRY OUT WITHOUT RESORTING TO COURT MARTIAL PROCEDURES
(SEE PARA 14).

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C O N F I D E N T I A L SECTION 2 OF 3 USBERLIN 2170

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8. IN ADDITION TO PUNISHMENT UNDER PROVISIONS OF
UCMJ, ADMINISTRATIVE ACTIONS ROUTINELY TAKEN INCLUDE:

(A) BAR FROM EAST BERLIN AND FROM BERLIN-HELMSTEDT
AUTOBAHN; (B) BAR TO ISSUANCE OF BERLIN RESIDENCE
PERMIT; (C) BAR TO FUTURE EMPLOYMENT WITH US FORCES;
(D) BAR TO REENLISTMENT (AN ACTION PARTICULARLY
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SEVERE FOR CAREER SOLDIERS); (E) REVOCATION OF SECURITY CLEARANCE; (ALSO A SEVERE ACTION IN TERMS OF FUTURE CAREER) AND (F) REVOCATION OF POV OPERATOR'S PERMIT AND POV REGISTRATION.

9. OVER PAST TWO YEARS FOLLOWING PROCEDURES HAVE BEEN INSTITUTED TO CURTAIL EXFILTRATIONS: (A) REQUIREMENT TO OBTAIN APPROVAL, BASED ON CRITERIA PARA 5, OF A RESPONSIBLE OFFICIAL IN ORDER TO VISIT EAST BERLIN; (B) DEVELOPMENT OF FREQUENT TRAVELER LISTS IN EFFORT TO IDENTIFY THOSE WHO MAY BE INVOLVED; (C) REQUIREMENT FOR A FINAL CHECKPOINT VALIDATION OF FLAG ORDERS PRIOR TO AUTOBAHN TRAVEL TO PREVENT TRAVEL WITHOUT THE KNOWLEDGE OF US MILITARY AUTHORITIES; (D) STRICTER HIRING PRACTICES FOR CIVILIAN EMPLOYEES OF US FORCES WHO HAVE BEEN TARGETS OF EXFILTRATION ORGANIZERS; AND (E) MANDATORY INSPECTION BY MILITARY POLICE OF MILITARY VEHICLES AND PRIVATELY OWNED US VEHICLES EXITING EAST BERLIN IMMEDIATELY UPON ARRIVAL AT CHECKPOINT CHARLIE. (SIMILAR INSPECTION MADE OF ALL PRIVATE VEHICLES USING AUTOBAHN AT NIGHT AND TEN PERCENT OF THOSE IN DAYLIGHT.)

10. OBJECT OF INSPECTION IS TO LOCATE HIDDEN COMPARTMENTS. SUSPICIOUS VEHICLES ARE GIVEN DETAILED SEARCH. SEARCH IS NOT REQUIRED FOR USCOB AND BRIGADE COMMANDER OR FOR NINE US MISSION OFFICERS WHO HAVE REGULAR OFFICIAL BUSINESS IN EAST BERLIN. PURPOSE OF IMMEDIATE SEARCH IS TO DETER WOULD-BE EXFILTRATORS. LIKELIHOOD OF DETECTION IS DETERRENT. WEAK POINT IN INSPECTION IS THOROUGHNESS OF SEARCH. (EVIDENCE UNCOVERED IN MEDLEY CASE SUGGESTED THAT CHECKPOINT CHARLIE MPS WERE ESPECIALLY VULNERABLE TO RECRUITMENT FOR COLLABORATION WITH EXFILTRATORS BECAUSE THEY WERE IN POSITION TO CIRCUMVENT INSPECTION PROCEDURES.) MOREOVER, CONSIDERATION IN PAST HAS BEEN RELUCTANCE TO AUTHORIZE MORE THAN A BRIEF INSPECTION, ABSENT SPECIAL CAUSE FOR SUSPICION, LEST CONTROLS BLUR OUR CLAIMS TO FREE ACCESS TO, AND FREE CIRCULATION IN, BERLIN AND IMPLY THE EXISTENCE OF A STATE BOUNDARY WE DO NOT RECOGNIZE. HOWEVER, MPS HAVE BEEN NOW MADE INDIVIDUALLY ACCOUNTABLE FOR INSPECTIONS OF EACH VEHICLE AND RANDOM CHECKS

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ARE MADE BY PROVOST MARSHAL TO INSURE COMPLIANCE BY INSPECTING MPS.

1. SINCE INSTITUTION OF VEHICLE INSPECTIONS, ABOUT FOUR INSTANCES CURRENCY VIOLATIONS HAVE BEEN FOUND PER MONTH. IN EACH CASE PERPETRATOR IS BARRED FROM EAST

BERLIN TRAVEL FOR AT LEAST ONE YEAR, PART OF RATIONALE BEING THAT, BASED ON EXPERIENCE, INDIVIDUALS INVOLVED IN CURRENCY VIOLATIONS TEND TO HAVE MONETARY MOTIVES THAT CAN LEAD INTO EXFILTRATION.

12. GIVEN REALITIES OF SITUATION, WHICH INCLUDE LARGE SUMS OF MONEY PROFESSIONAL RINGS CAN OFFER, INGENUITY OF SOLDIERS AND CIVILIAN MEMBERS OF FORCES, AND TOLERANCE OF MANY GERMAN OFFICIALS, WHICH ASSURES PROFESSIONAL OPERATORS THEY NEED NOT FEAR PROSECUTION IN GERMAN COURTS, IT MAY BE THAT INVOLVEMENT OF US PERSONNEL CAN NEVER BE ENTIRELY RULED OUT BY ANY MEANS SHORT OF COMPLETE SELF-DENIAL OF OUR ACCESS RIGHTS TO EAST BERLIN AND HELMSTEDT AUTOBAHN. THERE MAY BE MORE WE CAN DO, HOWEVER, THAT WOULD OFFER CHANCE OF SIGNIFICANTLY REDUCING US INVOLVEMENT WITHOUT MOVING IN THIS DIRECTION.

13. IN ADDITION TO ASSURING CLOSER COMPLIANCE WITH EXISTING INSPECTION ARRANGEMENTS, AND INCREASED COMMAND EMPHASIS AND TROOP INDOCTRINATION ON COMPLIANCE WITH REGULATIONS NOW UNDERWAY, AVENUES CURRENTLY BEING EXPLORED ARE:

A. RETURN TO REGIME IN EFFECT UNTIL LATE 1960S, WHEREBY PERMISSION TO VISIT EAST BERLIN WITH POVS AS WELL AS ISSUANCE OF FLAG ORDERS FOR AUTOBAHN TRAVEL WAS GREATLY RESTRICTED FOR ENLISTED MEN AND FOR CIVILIAN EMPLOYEES.

B. RIGOROUS SEARCH PROCEDURES RATHER THAN BRIEF INSPECTIONS AT CHECKPOINTS. DESPITE POLITICAL CONSIDERATIONS (PARA 10), WE BELIEVE SINGLE MOST IMPORTANT PRACTICAL MEASURE WHICH CAN BE TAKEN SHORT OF DRASTICALLY CURTAILING TRAVEL, IS A THOROUGH SEARCH BY US MILITARY

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POLICE OF EVERY PRIVATE US VEHICLE LEAVING EAST BERLIN OR HELMSTEDT AUTOBAHN.

C. INSTITUTION OF TIGHTER CONTROLS ON ALL EAST BERLIN AND AUTOBAHN TRAVEL WHICH WOULD REQUIRE TRAVELLER TO INDICATE PURPOSE OF TRIP AND, IN SOME INSTANCES, TO DOCUMENT STATED PURPOSE, E. G., BY SHOWING PURCHASE RECEIPTS, CURRENCY EXCHANGE RECEIPTS, THEATER TICKETS OR STUBS, ETC. USCOB WOULD DESIGNATE PERSONNEL TO CONDUCT PERIODIC AUDIT OF VISIT PRACTICES.

D. POLLING OF PERSONNEL FOR EAST BERLIN VISIT PURPOSES.

E. BARRING CURRENCY VIOLATORS FROM EAST BERLIN AND

FROM AUTOBAHN FOR REMAINDER OF TOUR HERE INSTEAD OF
ONE YEAR BAR TO EAST BERLIN TRAVEL NOW IN EFFECT.

F. ALLOWING FOR JUSTIFIABLE EXCEPTIONS, NECESSARY TO
MAINTAIN OUR RIGHT TO HAVE POVS TRANSIT AUTOBAHN 24
HOURS A DAY, RESTRICT POV AUTOBAHN TRAVEL TO DAYLIGHT
HOURS OR REQUIRE POVS TO TRAVEL IN PAIRS.
WHILE THESE STEPS WOULD UNDOUBTEDLY SHARPLY CUT NUMBER
OF TRIPS WITH POVS, THERE WOULD STILL BE MORE THAN
ENOUGH VISITS TO MAINTAIN OUR ACCESS RIGHTS. (WE NOTE
FOR EXAMPLE, THAT SINCE CRACKDOWN IN FEBRUARY 1973 ON
ILLEGAL CURRENCY EXCHANGE, NUMBER OF POV VISITS TO
EAST BERLIN HAS BEEN ROUGHLY 40 PERCENT PREVIOUS LEVEL
WITH NO EFFECT ON RIGHTS.)

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14. WHILE PUBLIC GENERAL COURT MARTIAL, AS WAS
CONDUCTED ON AT LEAST ONE OCCASION IN 1960'S (REFB)
, WOULD SERVE TO DEMONSTRATE TO TROOPS SERIOUSNESS WITH
WHICH WE VIEWED US INVOLVEMENT IN EXFILTRATION AND
MIGHT STIMULATE GERMAN AUTHORITIES TO TAKE ACTION
AGAINST THOSE PROFESSIONAL GERMAN EXFILTRATORS WHO USE
AMERICANS IN THEIR OPERATIONS, THERE IS NO ASSURANCE AS
TO RESULTS. THESE MIGHT TURN OUT TO BE NO MORE SEVERE
THAN COMBINATION OF ARTICLE 15 PUNISHMENT AND ASSOCIATED
ADMINISTRATIVE MEASURES NOW ENFORCED. MOREOVER,
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RESULTANT PUBLICITY MIGHT BE DAMAGING (1966 TRIAL
FOLLOWED EXTENSIVE EXPOSE IN PRESS), AND PART OF PURPOSE
WOULD BE DEFEATED IF CULPRITS ACQUITTED. PUBLIC COURT MARTIAL
IS, HOWEVER, OPTION THAT COULD BE CONSIDERED WHEN SITUATION
WARRANTED .

15. WHATEVER MEASURES WE ADOPT, WE DO NOT BELIEVE
WE SHOULD BE INFLUENCED BY STRONG POSSIBILITY THAT
ONE OR MORE OF RECENT INCIDENTS MAY HAVE HAD ELEMENTS
OF ENTRAPMENT (REFB). POINT IS THAT OUR PEOPLE CAN
BE ENTRAPPED AND WE WILL NEED TO DEAL WITH THEIR
WEAKNESS. WE RECOGNIZE BASIC REALITY THAT GDR IS
VIOLATING BASIC HUMAN RIGHTS BY WALLING OFF ITS
CITIZENS, THEREBY MAKING EXFILTRATION A PROFITABLE
BUSINESS. HOWEVER, IT IS IMPORTANT TO PRESERVE ACCESS
RIGHTS OF OUR FORCES, WITHOUT BEING DRAWN INTO MORAL
ARGUMENT OR SEEMING TO CONNIVE IN GDR PURPOSES. IN
SHORT, WE BELIEVE WE SHOULD ACT DELIBERATELY BEARING
ALL ASPECTS OF A COMPLICATED ISSUE IN MIND.

16. USCOB CONCURS. SELIGMANN

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